

PATENT
Customer No. 22,852
Attorney Docket No. 06882.0090-06000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Douglas E. BELL et al.) Group Art Unit: 1743
Application No.: 10/764,972) Examiner: Maureen Wallenhorst
Filed: January 26, 2004) Confirmation No.: 9311
For: SYSTEMS AND METHODS FOR)
BLOOD GLUCOSE SENSING)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Home Diagnostics, Inc., duly organized under the laws of the state of Delaware and having its principal place of business at 2400 NW 55th Court, Fort Lauderdale, Florida 33309, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/764,972, filed 04/18/2005 NLAURENC 00000001 060916 10764972 130.00 DA 01 FC:1814 on January 26, 2004, for Systems and Methods for Blood Glucose Sensing in the names of Douglas E. Bell, Gary T. Neel, and T. Philip Wong, as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 015408, Frame 0920 on June 1, 2004. Assignee, Home Diagnostics, Inc., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent Application No. 10/420,995, as indicated by an assignment duly recorded in the United States Patent and Trademark Office at Reel 014097, Frame 0634 on November 3, 2003.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Application No. 10/420,995, Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an

Application No.: 10/764,972
Attorney Docket No. 06882.0090-06

extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension
is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 14, 2005

By:


Eric P. Raciti
Reg. No. 41,475